

Michigan Law Review

Volume 86 | Issue 1

1987

Front Matter

Michigan Law Review

Follow this and additional works at: <https://repository.law.umich.edu/mlr>

Recommended Citation

Michigan Law Review, *Front Matter*, 86 MICH. L. REV. i (1987).
Available at: <https://repository.law.umich.edu/mlr/vol86/iss1/1>

This Front Matter is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

Michigan Law Review

Vol. 86, No. 1

October 1987

CONTENTS

ARTICLES

- "COMPARATIVE REPREHENSIBILITY" AND
THE FOURTH AMENDMENT
EXCLUSIONARY RULE..... *Yale Kamisar* 1
- A SUBJECT MATTER APPROACH TO
HEARSAY REFORM *Roger Park* 51
- PROBLEMS IN THE APPLICATION OF
POLITICAL PHILOSOPHY TO LAW *Christopher T. Wonnell* 123

NOTES

- DORMANT COMMERCE CLAUSE CLAIMS
UNDER 42 U.S.C. § 1983:
PROTECTING THE RIGHT TO
BE FREE OF PROTECTIONIST
STATE ACTION 157
- LIQUOR PRICE AFFIRMATION STATUTES AND
THE DORMANT COMMERCE CLAUSE 186

RECENT BOOKS

BOOKS RECEIVED	212
----------------------	-----

PERIODICAL INDEX

SUBJECT INDEX of Articles, Comments, Notes, and Recent Developments Appearing in Leading Law Reviews	214
---	-----

The design on the cover is taken from an etching of The University of Michigan Legal Research Building.

Michigan Law Review (ISSN 0026-2234) is published monthly October, November, December, February, April, May, June, and August. Subscriptions: United States, \$32 per year in advance, eight numbers; Foreign, \$34. Editorial and Business Offices: Hutchins Hall, Ann Arbor, Michigan 48109-1215. Second-class postage paid at Ann Arbor, Michigan, and additional mailing offices. POSTMASTER: send address changes to Michigan Law Review, Hutchins Hall, Ann Arbor, Michigan 48109-1215.

Printed at Joe Christensen, Inc., Lincoln, Nebraska 68521.

Recent Volumes: Single Issues \$6, Book Review and Special Issues \$12, postpaid, at Editorial and Business Offices.

Back issues and volumes (before November 1981) available from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209.

Because back stock of the *Review* is turned over to a dealer, back numbers are available to the *Review* for a short time only. It is therefore necessary to ask that subscribers report the nonreceipt of copies within six months of the mailing date.

We gladly consider unsolicited manuscripts for publication. Citations in manuscripts should follow the form prescribed in *A Uniform System of Citation* (14th ed.). We regret that we can return only those manuscripts for which we receive postage and handling fees of \$3.50 for first-class and \$1.50 for special fourth-class mail.

Michigan Law Review

Vol. 86, No. 1

October 1987

EDITORIAL BOARD

Editor-in-Chief

MELISSA H. MAXMAN, *of Washington, D.C.*

Managing Editor

GARY A. MACDONALD, *of Michigan*

Book Review Editors

LISSA M. CINAT, *of Michigan*
JUDITH L. HUDSON, *of Michigan*

Executive Article Editor

RICHARD A. KABA, *of Michigan*

Executive Note Editor

GREGORY A. KALSCHUR, *of Wisconsin*

Executive Editors

PATRICK T. CONNORS, *of Michigan*
MARILYN MANN, *of Michigan*

ERIC M. ACKER, *of California*
MARK S. BERNSTEIN, *of Illinois*
PATRICK B. CAREY, *of Michigan*
MICHAEL L. CHIDESTER, *of Utah*
*STEVEN T. CORLISS, *of Michigan*
BARRY L. JOHNSON, *of Iowa*
ALISON R. KEAN, *of Ohio*
ANDREW M. KENEFICK, *of Washington*
BRIAN K. KNOX, *of Ohio*

MICHAEL N. AMBLER, *of New York*
SANDIP C. BHATTACHARJ, *of New York*
KERMIT J. BROOKS, *of Michigan*
ANNE E. CAMPBELL, *of Michigan*
PAUL F. CAMPOS, *of Michigan*
STEVEN F. CHERRY, *of Indiana*
DARLEEN R. DARNALL, *of Oregon*
MARCELLA DAVID, *of New York*
TODD J. EHLMAN, *of Illinois*
SARA A. ENGLE, *of Michigan*
STEVEN R. ENGLUND, *of Minnesota*
HEIDI L. FELDMAN, *of New Jersey*
ELIZABETH S. FERGUSON, *of Indiana*
JONATHAN T. FOOT, *of Massachusetts*
PETER J. HAMMER, *of Washington*
LYNDA L. HOMERDING, *of Virginia*
KEVIN E. KENNEDY, *of California*
ROBERT R. KIMBALL, *of Michigan*
BRANDON D. LAWNICZAK, *of Michigan*

*On leave

Article Editors

STEVEN G. BRADBURY, *of Oregon*
*ANN H. COULTER, *of Connecticut*
JEFFREY A. HALL, *of Michigan*
M. SEAN LAANE, *of Illinois*
ANDREW J. MCGUINNESS, *of Michigan*

Note Editors

DAVID T. AZRIN, *of Florida*
DAVID H. BROMFIELD, *of Massachusetts*
MARK A. GRANNIS, *of Ohio*
WARD A. GREENBERG, *of New York*
JEFFREY G. MORAN, *of Illinois*
MARYELENA PARDO, *of Indiana*
FRANK G. ZARB, *of New York*

Contributing Editors

SCOTT M. KOSNOFF, *of Indiana*
JONATHAN H. MARGOLIES, *of New York*
TODD J. MAYBROWN, *of New York*
DONALD S. PLUM, *of Ohio*
FRANK C. SHAW, *of New York*
HARRY R. SILVER, *of Colorado*
JAMES L. THOMPSON, *of Indiana*
CHARLES F. WEISS, *of Maryland*

Associate Editors

JONATHAN L. MARKS, *of Illinois*
CREIGHTON R. MEIAND, *of Michigan*
TIMOTHY F. MEIETT, *of Minnesota*
RICHARD L. MUGLI, *of New York*
JULIE E. OLTINGER, *of Illinois*
NELIE PAPPAS, *of Michigan*
ETHAN M. POSNER, *of New York*
JESSICA M. RIZZOLO, *of North Carolina*
MICHAEL D. ROSENTHAL, *of New Jersey*
JEREMY R. SALSIN, *of New York*
LINDA A. SCHOEMAKER, *of Minnesota*
KENNETH F. SPARKS, *of Alabama*
JAMES R. SULLIVAN, *of Michigan*
JOHN P. STIMSON, *of Michigan*
MAURILEN P. TAYLOR, *of Michigan*
JULIO A. THOMPSON, *of Michigan*
SARA J. VANCE, *of Arizona*
DAVID A. WISTRUP, *of Michigan*
ROBERT S. WHITMAN, *of New York*

BUSINESS MANAGER

Eleonora V. Eckert

EDITORIAL ASSISTANT

Dorothy A. Kelly

UNIVERSITY OF MICHIGAN LAW SCHOOL

Administrative Officers

ROBBEN W. FLEMING, B.A., LL.B., LL.D., *Interim President of the University*
 JAMES J. DUDERSTADT, M.S., PH.D., *Provost and Vice President for Academic Affairs*
 LEE C. BOLLINGER, B.S., J.D., *Dean*
 EDWARD H. COOPER, A.B., LL.B., *Associate Dean for Academic Affairs*
 SUSAN M. EKLUND, A.B., J.D., *Associate Dean for Student Affairs and Operations*
 BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.J.D., *Associate Dean for the Law Library*
 VIRGINIA B. GORDAN, B.A., J.D., *Assistant Dean for Student Affairs*
 JONATHAN D. LOWE, B.A., J.D., *Assistant Dean for Law School Relations*
 ALLAN T. STILLWAGON, A.B., M.A., *Assistant Dean and Admissions Officer*

Professors Emeriti of Law

FRANCIS A. ALLEN, A.B., LL.B., J.D., LL.D., <i>Edson R. Sunderland Professor of Law</i>	FRANK R. KENNEDY, A.B., LL.B., J.S.D., <i>Thomas M. Cooley Professor of Law</i>
OLIN L. BROWDER, JR., A.B., LL.B., S.J.D., <i>James V. Campbell Professor of Law</i>	MARVIN L. NIEHUSS, A.B., LL.B.
ALFRED F. CONARD, A.B., LL.B., LL.M., J.S.D., LL.D., <i>Henry M. Butzel Professor of Law</i>	GEORGE E. PALMER, A.B., J.D., LL.M.
LUKE K. COOPERRIDER, B.S., J.D.	ROY F. PROFFITT, B.S., J.D., LL.M.
ROBBEN W. FLEMING, B.A., LL.B., LL.D.	ALLAN F. SMITH, A.B., LL.B., LL.M., S.J.D.
	RUSSELL A. SMITH, A.B., J.D.
	ERIC STEIN, J.U.D., J.D., DR.H.C., DR.H.C., <i>Hessel E. Yntema Professor of Law</i>

Professors of Law

T. ALEXANDER ALEINIKOFF, B.A., J.D.	SALLYANNE PAYTON, A.B., LL.B.
LAYMAN E. ALLEN, A.B., M.P.A., LL.B.	WILLIAM J. PIERCE,** A.B., J.D.
LEE C. BOLLINGER, B.S., J.D.	BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.J.D.
DAVID L. CHAMBERS, A.B., LL.B.	MARTIN A. REDISH,* A.B., J.D.
EDWARD H. COOPER, A.B., LL.B.	JOHN W. REED,** A.B., LL.B., LL.M., JUR.SC.D., <i>Thomas M. Cooley Professor of Law</i>
ROGER A. CUNNINGHAM, S.B., J.D., <i>James V. Campbell Professor of Law</i>	DONALD H. REGAN, A.B., LL.B., B.PHIL., PH.D.
DONALD N. DUQUETTE,†† B.A., J.D.	THEODORE J. ST. ANTOINE, A.B., J.D., <i>James E. and Sarah A. Degan Professor of Law</i>
PHOEBE C. ELLSWORTH, A.B., PH.D.	TERRANCE SANDALOW,** A.B., J.D.
SAMUEL D. ESTEP, A.B., J.D.	FREDERICK F. SCHAUER, A.B., M.B.A., J.D.
MERRITT B. FOX,* B.A., J.D., PH.D.	CARL E. SCHNEIDER,** A.B., J.D.
RICHARD D. FRIEDMAN,* B.A., J.D., D.PHIL.	JOEL SELIGMAN, A.B., J.D.
BRUCE W. FRIER, B.A., PH.D.	A. W. BRIAN SIMPSON, B.A., M.A., D.C.L., <i>Charles F. and Edith J. Clyne Professor of Law</i>
ANN J. GELLIS,* B.A., J.D.	PHILIP SOPER,** B.A., M.A., J.D., PH.D.
WHITMORE GRAY, A.B., J.D., LL.D.	PETER O. STEINER,** A.B., M.A., PH.D.
THOMAS A. GREEN, B.A., PH.D., J.D.	JOSEPH VINING, B.A., M.A., J.D., <i>Harry Burns Hutchins Professor of Law</i>
BARRY E. HAWK,* A.B., LL.B.	LAWRENCE W. WAGGONER, B.B.A., J.D., D.PHIL., <i>Lewis M. Simes Professor of Law</i>
LEON E. IRISH, B.A., J.D., D. PHIL.	ANDREW S. WATSON, B.S., M.D., M.S. IN MED.
JEROLD H. ISRAEL, B.B.A., LL.B., <i>Alene and Allan F. Smith Professor of Law</i>	STEVEN WECHSLER,* B.S., M.B.A., J.D.
JOHN H. JACKSON, B.A., J.D., <i>Hessel E. Yntema Professor of Law</i>	JOSEPH WEILER, B.A., LL.B., PH.D. LL.M.
DOUGLAS A. KAHN, B.A., J.D., <i>Paul G. Kauper Professor of Law</i>	PETER K. WESTEN,** B.A., J.D.
YALE KAMISAR,** A.B., LL.B., LL.D., <i>Henry King Ransom Professor of Law</i>	JAMES BOYD WHITE, A.B., A.M., LL.B., <i>L. Hart Wright Professor of Law</i>
THOMAS E. KAUPER, A.B., J.D., <i>Henry M. Butzel Professor of Law</i>	JAMES J. WHITE, B.A., J.D., <i>Robert A. Sullivan Professor of Law</i>
JAMES E. KRIER, B.S., J.D.	CHRISTINA B. WHITMAN, A.B., M.A., J.D.
RICHARD O. LEMPert, A.B., J.D., PH.D.	
WILLIAM I. MILLER,** B.A., PH.D., J.D.	

Associate Professors of Law

REBECCA S. EISENBERG,** B.A., J.D.	JESSICA D. LITMAN,** B.A., M.F.A., J.D.
SAMUEL R. GROSS, A.B., J.D.	

Assistant Professors of Law

CLARK D. CUNNINGHAM,†† B.A., J.D.	JEFFREY S. LEHMAN, A.B., J.D., M.P.P.
LISA E. D'AUNNO,†† A.B., J.D.	MATHIAS W. REIMANN, DR. IUR., LL.M.
MARIE R. DEVENEY, B.A., M.A., J.D.	PAUL D. REINGOLD,†† B.A., J.D.
MARTIN A. GEER,†† B.A., J.D.	DENNIS E. ROSS,** B.A., J.D.
DAVID J. HERRING,†† B.B.A., J.D.	SUELLYN SCARNECCHIA,†† B.A., J.D.
AVERY KATZ, B.A., M.A., J.D., PH.D.	KENT D. SYVERUD, B.S.F.S., J.D., M.A.
LEO KATZ, B.A., M.A., J.D.	MARK C. VAN PUTTEN,†† B.A., J.D.

Instructor in Law

MARY F. WHITE,† B.A., J.D.

Lecturers in Law

HERBERT A. JORDAN,† B.G.S., J.D.	STEVEN D. PEPE,† B.A., J.D., LL.M.
CYRIL MOSCOW,† B.S., J.D.	EDWARD R. STEIN,† B.A., J.D.

* Visiting † Adjunct
 ** On Leave †† Clinical